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Item # 8  
Bill 20 (2015)

July 21, 2015

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RE: Bill 20-Regarding Accessory Dwelling Units (COMMENTS - Propose Amendment)

Dear Zoning & Planning Committee Chair Ikaika Anderson & Council Members;

In concept, Bill 20 attempts to help relieve Oahu's daunting housing-shortage and housing-cost crisis. Critics of the Bill cite the historically-proven fact that some of the ADU/Ohana units permitted in residential zoning will be utilized as visitor lodging businesses for vacationers and not long-term rentals for residents. The Department of Planning and Permitting has stated they will require ADU properties to be rented only six months or longer. This requirement may occur initially when permits are granted, but over time and if the properties change ownership, the possibility that many ADU's in specific areas of Oahu will become visitor lodging businesses is likely.

In order to assist the DPP's efforts to enforce zoning regulations, I propose Bill 20 be amended to include the following section;

**TVU & B&B Home Advertisements as prima facie evidence of violation**

*An advertisement for a transient vacation unit, shall be prima facie evidence that a property is being used as a transient vacation unit in violation of ROH Chapter 21 restrictions for such use and shall result in the issuance of a Notice of Violation to the owner of the property being advertised. LPI An advertisement for a bed and breakfast home, shall be prima facie evidence that a property is being used as a bed and breakfast home in violation of ROH Chapter 21 restrictions on such use and shall result in the issuance of a Notice of Violation to the owner of the property being advertised. For the purpose of this subsection, an "advertisement" includes any written, graphic, or pictorial statement or broadcast disseminated by, at the direction of, or for the benefit of the owner, operator, proprietor, or licensed rental agent in any manner or by any means, including, but not limited to, newspapers, magazines, television, radio, brochures, and the internet."*

This measure has been requested by the DPP in the past and has been proven to be effective in other municipalities. If Bill 20 is passed without additional measures to assist the DPP with enforcement activities, Bill 20's objectives may not fall short.

Thank you for your consideration.

Sincerely yours,

Stu Simmons

MISC. COM. 2600

ZP